

ASSEMBLY BILL

No. 1813

Introduced by Assembly Member Buchanan

February 21, 2012

An act to amend Section 85086 of the Water Code, relating to the Sacramento-San Joaquin Delta.

LEGISLATIVE COUNSEL'S DIGEST

AB 1813, as introduced, Buchanan. Sacramento-San Joaquin Delta Reform Act of 2009.

Existing law, the Sacramento-San Joaquin Delta Reform Act of 2009, establishes the Delta Stewardship Council as an independent agency of the state. Existing law requires the State Water Resources Control Board to establish an effective system of Delta watershed diversion data and public reporting by December 31, 2010. Existing law requires the board to develop new flow criteria for the Delta ecosystem, as specified. Existing law requires the board to submit those determinations to the council.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 85086 of the Water Code is amended to
2 read:

1 85086. (a) The board shall establish an effective system of
2 Delta watershed diversion data collection and public reporting by
3 December 31, 2010.

4 (b) It is the intent of the Legislature to establish an accelerated
5 process to determine instream flow needs of the Delta for the
6 purposes of facilitating the planning decisions that are required to
7 achieve the objectives of the Delta Plan.

8 (c) (1) For the purpose of informing planning decisions for the
9 Delta Plan and the Bay Delta Conservation Plan, the board shall,
10 pursuant to ~~its~~ *the board's* public trust obligations, develop new
11 flow criteria for the Delta ecosystem necessary to protect public
12 trust resources. In carrying out this section, the board shall review
13 existing water quality objectives and use the best available
14 scientific information. The flow criteria for the Delta ecosystem
15 shall include the volume, quality, and timing of water necessary
16 for the Delta ecosystem under different conditions. The flow
17 criteria shall be developed in a public process by the board within
18 nine months of the enactment of this division. The public process
19 shall be in the form of an informational proceeding conducted
20 pursuant to Article 3 (commencing with Section 649) of Chapter
21 1.5 of Division 3 of Title 23 of the California Code of Regulations,
22 and shall provide an opportunity for all interested persons to
23 participate. The flow criteria shall not be considered predecisional
24 with regard to any subsequent board consideration of a permit,
25 including any permit in connection with a final BDCP.

26 (2) Any order approving a change in the point of diversion of
27 the State Water Project or the federal Central Valley Project from
28 the southern Delta to a point on the Sacramento River shall include
29 appropriate Delta flow criteria and shall be informed by the analysis
30 conducted pursuant to this section. The flow criteria shall be subject
31 to modification over time based on a science-based adaptive
32 management program that integrates scientific and monitoring
33 results, including the contribution of habitat and other conservation
34 measures, into ongoing Delta water management.

35 (3) Nothing in this section amends or otherwise affects the
36 application of the board's authority under Part 2 (commencing
37 with Section 1200) of Division 2 to include terms and conditions
38 in permits that in its judgment will best develop, conserve, and
39 utilize in the public interest the water sought to be appropriated.

1 (d) The board shall enter into an agreement with the State Water
2 Project contractors and the federal Central Valley Project
3 contractors, who rely on water exported from the Sacramento River
4 watershed, or a joint powers authority comprised of those
5 contractors, for reimbursement of the costs of the analysis
6 conducted pursuant to this section.

7 (e) The board shall submit its flow criteria determinations
8 pursuant to this section to the council for its information within
9 30 days of completing the determinations.

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